(Spl. - H.C.A.S. C.D., 78-e)

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF BOMBAY AT GOA

PANAJI – GOA

APPELLATE SIDE

CRIMINAL MISC. APPLICATION NO. 31 OF 2005.

Office Notes, Office Memoranda of Quorum appearances, Court's orders, or directions and Registrar's orders.	Court's or Judge's Orders.

Shri E. Furtado, Advocate for the Applicant.

Shri C.A. Ferreira, Asst. Solicitor General for the Respondents.

CORAM : N.A. BRITTO, J.

DATE : 10th March, 2005.

P.C.

Heard Shri E. Furtado, learned Advocate on behalf of the Applicant and Shri Ferreira, the learned Asst. Solicitor General on behalf of the respondents.

2. From the facts stated, it appears that on 2.3.05 at about 15.30 hrs. the applicant while she was going to

Dubai by Air India, flight No.855, the applicant was intercepted and in her possession was found foreign currency equivalent to Indian Rs.3,20,196/- and Indian currency of Rs.7,27,000/-. She was arrested on the same day and subsequently released on bail by the learned J.M.F.C., Vasco-da-Gama by Order dated 3.3.05, upon furnishing a bail bond in the sum of Rs.50,000/- with one surety of the like amount. It appears that at the time of the arrest of the applicant, her passport bearing No.E-5197716 and air ticket to Dubai and Visa documents were seized by the Customs Authorities and an application having been filed by the applicant before the learned J.M.F.C., Vasco, under S.457 of the Code of Criminal Procedure, 1973, was rejected for want of jurisdiction which has compelled the applicant now to approach this Court for a direction to

the respondents to hand over to the Applicant the said Passport, Air ticket, Visa documents, so as to enable her to go to Dubai and attend her son's wedding which is fixed on 15th instant.

3. The respondents have no objection for the release of the said Passport, Air ticket, etc. as mentioned in para 19(a) of the application, provided additional security is obtained from the applicant for production of the said documents, as and when required before the Customs Authorities.

4. In view of the above, the Applicant is bound to succeed in terms of prayer (a) of para 19 of the application. Respondent No.3 is hereby directed to hand over the said documents to the applicant, upon execution of a Bond of Rs.20,000/- with one surety in the like

amount, to the satisfaction of the respondent No.3 to produce the said documents before him if required.

5. Application disposed of in the above terms. Expedite issue of authenticated copy.

N. A. BRITTO, J.

sl.